

Lismore LEP 2012 & LEP 2000 - Reclassification with some rezoning of Council owned land

Proposal Title : Lismore LEP 2012 & LEP 2000 - Reclassification with some rezoning of Council owned land

Proposal Summary : The proposal seeks to reclassify six (6) Council owned sites from 'community' to 'operational' and rezone three (3) of these sites. The proposal requires amendments to the maps and written instrument for both the Lismore LEP 2012 and Lismore LEP 2000.

PP Number : PP_2015_LISMO_005_00 Dop File No : 15/12592

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.1 Business and Industrial Zones
- 2.1 Environment Protection Zones
- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 4.1 Acid Sulfate Soils
- 4.2 Mine Subsidence and Unstable Land
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies
- 5.3 Farmland of State and Regional Significance on the NSW Far North Coast
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes

Additional Information : It is **RECOMMENDED** that the General Manager, as delegate of the Minister for Planning, determine under section 56(2) of the EP&A Act that an amendment to the Lismore Local Environmental Plan (LEP) 2012 and Lismore LEP 2000 to rezone and reclassify Council owned land should proceed subject to the following conditions:

1. The Planning Proposal is required to be updated prior to community consultation to include:

- the requirement to amend Lismore LEP 2000 in relation to Site No. 2
- the correct lot description for Site 3, being Lot 16 DP 552816
- updating Table 1 to include the revised Schedule 4 of the Lismore LEP 2012 and Schedule 6 of the Lismore LEP 2000, to confirm what allotments will have interests changed and what interests, if any, will be retained.

2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

- (a) the Planning Proposal must be made publicly available for 28 days; and
- (b) the relevant planning authority must comply with the notice requirements for public exhibition of Planning Proposals and the specifications for material that must be made publicly available along with Planning Proposals as identified in section 5.5.2 of 'A guide to preparing local environmental plans (Planning and Infrastructure, 2013)'.

3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:

- (a) NSW Rural Fire Service

4. A public hearing on the extinguishment of reserve designations is to be held in accordance with Section 57 of the EP&A Act 1979, 21 days after completion of the public exhibition period.

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5. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

6. Section 117 Directions - It is recommended that:

(a) The Secretary's delegate can be satisfied that the Planning Proposal's inconsistency with s117 Directions 4.3 Flood Prone Land is of minor significance.

(b) Consultation is required in relation to s117 Direction 4.4 Planning for Bushfire Protection with the NSW Rural Fire Service

(c) The Secretary's delegate agree to the of land for public purposes given that this land does not perform the function of open space and that the proposal is in accordance with Council's open space strategy.

7. Plan making functions should not be delegated to Council, given that the Governor's approval is required to discharge interests.

Supporting Reasons : The reasons for the above recommendations for the Planning Proposal are as follows:

1. The proposal will reclassify and rezone land that has reserve status but do not perform an 'open space function'.
2. The proposal will facilitate new development opportunities on underutilised land.

Panel Recommendation

Recommendation Date :

Gateway Recommendation :

Panel Recommendation : This planning proposal is considered minor and the Gateway determination is to be issued under delegation by the General Manager. Therefore the planning proposal will not be considered by the panel.

Gateway Determination

Decision Date : 01-Sep-2015

Gateway Determination : Passed with Conditions

Decision made by : General Manager, Northern Region

Exhibition period : 28 Days

LEP Timeframe : 12 months

Gateway

Determination :

1. The Planning Proposal is required to be updated, prior to community consultation, to:
 - include the requirement for amending Lismore LEP 2000 in relation to Site No. 2;
 - reference the correct lot description for Site 3, being Lot 16 DP 552816;
 - include the revised Schedule 4 of Lismore LEP 2012 and Schedule 6 of Lismore LEP 2000, to confirm what allotments will have interests changed and what interest, if any, will be retained; and
 - include an updated Table 1, which is consistent with the revised Schedules listed above.
 - include consistent references to land which contains Koala Habitat under Table 2 on page 10 and Section 7(c) on page 17.
 - reference Site No. 4 rather than Site No. 5 as being located within a High Risk area under Table 3, Direction 4.3 Flood Prone Land, page 15.
 - indicate under Part 5 - community consultation that details regarding what interests are changing will be made available for community inspection together with the other exhibited material
2. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of 28 days; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning and Infrastructure 2013).

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3. Consultation is required with the following public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of relevant S117 Directions:

- Office of Environmental and Heritage (Flooding)
- NSW Rural Fire Service

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

4. A public hearing on the extinguishment of reserve designations is to be held in accordance with Section 57 of the Act after completion of the public exhibition period.

5. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Signature:



Printed Name:

Craig Diss

Date:

1 September 2015